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7
8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,
11 Plaintiff,
12 v.
13 JOSHUA COLA,
14 Defendant.

Case No. 2:22-cr-00263-JCM-NJK

**STIPULATION TO CONTINUE
CHANGE OF PLEA HEARING**
(Fifth Request)

15
16 IT IS HEREBY STIPULATED AND AGREED, by and between Sue Fahami, Acting
17 United States Attorney, and Melanee Smith, Assistant United States Attorney, counsel for the
18 United States of America, and Rene L. Valladares, Federal Public Defender, and Nisha Brooks-
19 Whittington, Assistant Federal Public Defender, counsel for Joshua Cola, that the Change of
20 Plea Hearing currently scheduled on March 3, 2025 at 10:00 a.m., be vacated and continued to
21 a date and time convenient to the Court, but no sooner than ninety (90) days.

22 This Stipulation is entered into for the following reasons:

23 1. The Ninth Circuit Court of Appeals voted to rehear en banc its decision in *United*
24 *States v. Duarte*, 101 F.4th 657 (9th Cir. 2024), *vacated pending reh'g en banc*, 108 F.4th 786
25 (9th Cir. 2024). A hearing was held December 11, 2024 and a decision is pending. Because
26 *Duarte* is still pending and relevant to Mr. Cola's case as he is also charged with felon in

1 possession of a firearm under 18 U.S.C. § 922(g)(1), Mr. Cola needs additional time to
2 determine how he wishes to proceed with his case before proceeding with a change of plea
3 hearing.

4 2. The defendant is in custody and agrees with the need for the continuance.

5 3. The parties agree to the continuance.

6 This is the fifth request for a continuance of the Change of Plea hearing.

7 DATED this 24th day of February, 2025.

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9 RENE L. VALLADARES
Federal Public Defender

SUE FAHAMI
Acting United States Attorney

10
11 */s/ Nisha Brooks-Whittington*
12 By _____
13 NISHA BROOKS-WHITTINGTON
Assistant Federal Public Defender

/s/ Melanee Smith
By _____
MELANEE SMITH
Assistant United States Attorney

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 JOSHUA COLA,

7 Defendant.
8

Case No. 2:22-cr-00263-JCM-NJK

ORDER

9
10 IT IS ORDERED that the Change of Plea hearing currently scheduled for
11 March 3, 2025 at 10:00 a.m., be vacated and continued to **June 2, 2025** at the hour of
12 **10:00 a.m.**

13 DATED February 26, 2025.

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16 UNITED STATES DISTRICT JUDGE
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